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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD (PARTIAL)* OF THE 566th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 September 1999, at 10 a.m.

Chairperson: Mrs. MBOI

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* No summary record was prepared for the rest of the meeting (closed).

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The discussion covered in the summary record began at 10.35 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Vanuatu (continued) [CRC/C/28/Add.8; CRC/C/Q/VAN/1 (List of issues); written replies of the Government of Vanuatu to questions raised in the list of issues (Conference room paper with no symbol, distributed in English only); country study (CRC/C/A/VANU/1)]

1. At the invitation of the Chairperson, Mr. Mael (Vanuatu) took a place at the Committee table.

2. Mr. MAEL (Vanuatu) said he hoped that his remarks would be in keeping with the recommendations made by the Committee on the Rights of the Child and said he was willing to answer all questions which the members of the Committee might wish to ask.

3. The CHAIRPERSON invited the members of the Committee to comment on the written replies to the questions raised in the list of issues concerned with Vanuatu's initial report under "General measures of implementation".

4. Mr. DOEK thanked the delegation of Vanuatu for the answers provided, which gave detailed information on the situation of children in Vanuatu. He inquired whether the coordinating agency for children's rights had been established and whether it would have an impact on the activities of the ombudsman, for example on the practical implementation of the ban on corporal punishment in schools.

5. Mr. RABAH asked if Vanuatu had made reservations to certain articles of the Convention. If not, how did the country plan to resolve any possible contradictions between customary law and certain provisions of the Convention? He would like to know the budget allocated to programmes for children, the measures taken to disseminate the Convention in the country and training programmes for jurists, law enforcement officers and all other persons responsible for implementing the principles of the Convention.

6. Mrs. SARDENBERG noted that Vanuatu's report gave a good deal of information about health and education of children but was silent on many other issues; she wondered what were the reasons for that. She also asked whether Vanuatu intended to accede to the major human rights instruments, notably the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. She enquired whether the Government of Vanuatu planned to strengthen child policy coordinating mechanisms, bearing in mind the planned reduction in the number of civil servants.

7. Mrs. KARP said she would like to know whether the measures mentioned in the report also applied to children living on the remote islands. Children's rights should not be limited to health alone. Were measures being taken to publicize the existence of the ombudsman in the country and were there plans to re-examine customary law in order to harmonize it with the provisions of the Convention?

8. Mrs. TIGERSTEDT-TÄHTELÄ asked whether Vanuatu intended to ratify the major human rights instruments, notably the two Covenants. She would also like to know whether efforts were being made to disseminate the Convention and, above all, to understand the philosophy behind it. What were the main difficulties encountered in that regard?

9. Mr. MAEL (Vanuatu) said that his country was a tiny island State in the Pacific with very limited resources. The great majority of the problems raised in the Convention (sexual abuse, etc.) did not exist in Vanuatu which, because of its isolation and the large number of its constituent islands, was not exposed to the problems inherent to modern societies. The Government of Vanuatu had ratified the Convention but had not yet taken the necessary steps to incorporate its provisions in domestic law. Children's issues were considered to be an indivisible whole. The Cabinet of Ministers, in particular the Ministers of Education and Health, was currently preparing a policy to implement the provisions of the Convention.

10. On the question of the ombudsman, that system of mediation was not yet well known in Vanuatu and the ombudsman could only carry out an investigation if a case had not been brought before the courts. He only intervened if he was specifically called upon to do so. Unfortunately, not all members of the population were informed of his role. When he received a complaint, he prepared a report and then turned over the case to the police or the judicial authorities if he believed that the law had been infringed. However, existing mechanisms were not always used. A number of reports had not yet been examined for lack of resources and competent staff. Although the principles of the Convention had generally been recognized, there was no real political will to carry out that type of activity and to devise strategies and legislative provisions in that regard.

11. The CHAIRPERSON asked whether measures had been taken to publicize the Convention and whether the Government attached importance to its dissemination.

12. Mr. MAEL (Vanuatu) explained that since 1992 when Vanuatu had ratified the Convention, there had been a change of Government every four months. That political instability, made even more sensitive by the use of two official languages (English and French), prevented any real action from being taken. In 1996-97 a global reform programme had been adopted to establish structures which would allow the Government to remain in office longer. It was only since the start of the current year that more attention had been given to the Convention. When the country attained greater political stability, it would be easier to establish priorities and introduce measures.

13. Mrs. TIGERSTEDT-TÄHTELÄ asked what were the issues of primary concern to the Government and what its priorities would be if it did not keep changing.

14. Mr. MAEL (Vanuatu) said that one had to know the country and its mentality to understand the situation. The Convention was not the uppermost concern of the political leaders of Vanuatu. Their attention was focused more on immediate problems, such as the building of an airport or the political life of the country. As things stood, the implementation of the Convention could hardly be considered a priority.

15. The CHAIRPERSON inquired what were the obstacles making the Convention better known to the population of Vanuatu.

16. Mr. MAEL (Vanuatu), recalling that 80 per cent of the population lived in rural areas and on isolated islands, stressed that the dissemination of information was very difficult. In addition, there were problems of comprehension related to language (official documents were drafted in English and French whereas the population used a number of dialects) and communication aids. Posters or plays, for example, would be much more effective than written texts.

17. Mrs. EL GUINDI inquired about the role of the private sector, civil society and non-governmental organizations (NGOs). In view of the Government's written reply concerning corporal punishment, what measures were envisaged to end that practice, which was in conflict with the principles of the Convention?

18. Mr. MAEL (Vanuatu) said that in Vanuatu, corporal punishment was traditionally viewed as the best way of teaching loyalty and responsibility to children. He explained that the community-based society meant that all the members of the same family normally lived together. In that regard, children belonged to the family and it was the family's duty to educate them. Not only was it accepted that parents should correct their children but it was sometimes considered necessary.

19. As to NGOs and civil society, there were no organizations in Vanuatu devoted exclusively to children's issues. However, some of them, such as the women's organizations, incorporated children's issues in their activities even if those activities were not child-specific. The Ministry of Health placed emphasis on vaccinations and access to health care. Beyond that, no measure had yet been taken to guarantee the access of children to services as laid down in the Convention. However, the setting up of an office for the Convention on the Rights of the Child should change the situation.

20. Mrs. KARP wondered exactly which parts of the Convention were incompatible with Vanuatu's customary laws. She also asked whether there was any intention to create a think-tank which would call on traditional chiefs to study ways of disseminating the Convention and seeing to its implementation in the light of existing customs.

21. Mr. MAEL (Vanuatu) said that certain aspects of the Convention were difficult for the population to accept, such as article 17, which ran counter to the traditional way of raising children. It was generally the parents who transmitted their values to their children, notably through storytelling. Although access to libraries and books was acceptable, children could also thus obtain information which parents might consider harmful and over which the parents would like to be able to exercise some control. Customs were also incompatible with the idea of a minimum age of marriage. Marriages were often arranged very early by families on the basis of mutual interest. That practice was still commonly accepted albeit less and less widespread.

22. Mrs. KARP asked what was the reason for certain traditions dying out.

23. Mr. MAEL (Vanuatu) said that it was due to education. School-going children soon realized that their lives could be different and started to want to make the choices which they thought were best for them.

24. Mrs. OUEDRAOGO wondered what impact upward social mobility and the customs mentioned in paragraph 10 of the core document (HRI/CORE/1/Add.86) had on children. Concerning the custom of marrying off a child from birth, was the child was raised by his own family or by the in-laws?

25. Mr. MAEL (Vanuatu) said that according to the custom, arrangements were made whereby a child was given in marriage to a landed family or as a way of peacefully settling disputes between families. In principle, the child remained with his own family until he was married. The survival of the family and the interests of the community were placed above the individual desires of the child, although customs were slowly changing as young people moved to cities.

26. Upward social mobility only existed in the countryside, characterized by accession to the dignified position of chief or the acquisition of additional land.

27. Mrs. SARDENBERG, noting that report mentioned a series of NGOs working in specific fields, asked whether they worked in collaboration with the Government. She was pleased that Vanuatu had participated in the World Summit for Children and the annual meetings of the South Pacific Forum. In addition, the report showed that Vanuatu had received considerable development assistance from developed countries. Had those funds been used to implement the Convention or to finance activities related to the protection of children?

28. Mr. MAEL (Vanuatu) said that NGOs were not financed by the Government but that they collaborated with each other in setting up programmes. He admitted that the Government was not very dynamic and left it up to NGOs to take action to implement the rights of the child. He was, therefore, looking forward to a children's bureau being set up to coordinate activities in favour of children throughout the country.

29. Mrs. SARDENBERG asked whether the local chiefs could not be called upon to disseminate knowledge about the Convention. Although there were some incompatibilities, for cultural reasons, a reading of the introduction to the report would show that the ideals laid down in the Convention were identical to those of Vanuatu society.

30. Mr. MAEL (Vanuatu) said that chiefs might misinterpret the Convention by making a cause-and-effect link between the rights it promoted (including the right to freedom of opinion and to self-determination) and the disobedience of young people who, for example, were expelled from schools or committed petty theft.

31. The CHAIRPERSON said that that was why the Government should hasten to present the rights of the child in a positive light so as to stem the spread of prejudices, and that it was up to the Government to take measures to publicize the Convention in a manner which was appropriate to Vanuatu society.

32. Mrs. SARDENBERG said that the Convention should not be imposed artificially but should be introduced progressively so that it could be understood and accepted, hence the need for the traditional chiefs and the Government to be involved in the process.

33. Mr. RABAH asked whether the Church could be involved in disseminating the Convention, as it seemed to have an enormous influence on the society. What was the status of the Church in Vanuatu? Did it replace the State or was it an institution of the State? Furthermore, why was there no effective system for registering births in the country?

34. The CHAIRPERSON said she supposed that the geographical make-up of Vanuatu, where islands were very far apart from each other, made registration difficult.

35. Mr. MAEL (Vanuatu) said that in Vanuatu, when a child committed an offence, he was not placed in a correctional institution as happened in the West, but was spoken to by the elders, who explained to him how he should behave. It was, therefore, the spiritual aspect which was given greater emphasis. As to the participation of the Church in the dissemination of the Convention, he was not convinced that that would be possible.

36. In response to a suggestion that had been made by Mrs. Tigerstedt-Tähtelä, he said that it would be extremely useful if the Committee were to recommend that the Government should set up a children's rights office and invited the Committee to address a recommendation directly to the Prime Minister.

37. The CHAIRPERSON noted that such an office could not be effective without resources, authority and an extremely conscientious and competent staff.

38. Mrs. OUEDRAOGO said that it was important to rally the local and religious chiefs to the cause of the Convention because they could exert a considerable influence on the population and bring about a change in attitude with regard to the rights of the child.

39. The CHAIRPERSON said that, if she had understood Mr. Mael correctly, the Government did not seem to have the political will to publicize the Convention but that local chiefs themselves would not be opposed to it. The Government needed to have a proper dissemination programme. She suggested that the Committee should move on to the questions on health and education, which were priority issues.

40. Mr. DOEK noted with satisfaction that the Vanuatu Society for Disabled People carried out a large number of activities which, according to the written replies, had been significantly developed. He asked about the nature of the disabilities of children living in remote islands as it was said that they were unable to benefit from normal schooling. It was also indicated that the Society's collaborators went to children's homes to teach them how to improve their capabilities. Was there a specific re-education programme for the mentally handicapped and did social workers only teach physical re-education in the remote islands or did they also give academic instruction?

41. Mr. MAEL (Vanuatu) said that it was essentially a question of physical re-education and that persons qualified to administer specific therapy for the mentally handicapped were lacking.

42. Mrs. OUEDRAOGO, referring to the table included in the written reply to question 19, noted that albinos seemed to be counted among disabled children and that there was a very high number of them. She would like to know whether albino children were really considered as disabled and if they were subject to discrimination and repression. While applauding the absence of AIDS in Vanuatu, she noted that the number of persons with sexually transmitted diseases was relatively high. Did reproductive health or sex education programmes exist in schools and social institutions? Were there centres where people could obtain information and receive counselling? Highlighting the fairly high number of early pregnancies, she wondered whether abortion was widespread and if there were family planning programmes.

43. Mr. MAEL (Vanuatu) said that albinos were completely integrated into the community at present. The albinos indicated in the table mentioned were disabled persons. Most albino children had no problems and led a completely normal life. Neither they, nor indeed any other group, were subject to discrimination; generally speaking, differences had always been readily accepted in Vanuatu. Reproductive health education was a part of the World Health Organization (WHO) primary health care programme. Sex education classes were given in secondary schools and women could obtain advice from family planning centres. Detailed information on abortion was not available. In any case, when an unmarried girl became pregnant she was not looked upon badly. On the contrary, on many islands it was treated as a festive occasion. Neither was it problematic if the young man who was the father of the child did not marry the girl. The girl and her child were taken care of by the community.

44. Mrs. OUEDRAOGO asked whether a girl who became pregnant could continue attending school.

45. Mr. MAEL (Vanuatu) said that secondary schools did not usually allow it but that it was possible in institutions of higher learning.

46. The CHAIRPERSON asked about the attitude to incest.

47. Mr. MAEL (Vanuatu) said that incest, rape or any other type of sexual abuse was punishable under the Penal Code.

48. Mrs. KARP inquired about what was done, in practice, to deal with sexual violence. Was it kept within the family or were such acts reported to the police? Did the victims and their families have the possibility of bringing the matter before the courts? Were there courts on every island and what bodies were in charge of conducting investigations? She wondered what follow-up was given to cases of sexual abuse, bearing in mind the isolation of many islands and the country's limited financial resources.

49. Mr. MAEL (Vanuatu) stressed that the perpetrators of illegal acts, such as incest and rape, were liable to criminal prosecution, even on the most remote islands. Victims and their families could keep the incident a secret

within the family circle or they could refer the matter to the traditional chiefs, or lodge a complaint with the courts. Acts of sexual violence could be dealt with under customary law. If the matter was brought before the traditional chief, then the latter would call the victim and the perpetrator together and examine the case with them. But there was a court in each of the six provinces.

50. Mrs. SARDENBERG requested additional information on health services and their distribution throughout the country. It seemed that, whereas 80 per cent of the population lived in rural areas, some 75 per cent of total health resources were allocated to urban areas. Considering how dispersed the islands of the archipelago were, it would seem that the only medical service some islands had was a single dispensary. Also, what role did traditional medicine play? Generally speaking, did sick people first go to see a healer and then, if that did not yield results, go to consult a doctor? Lastly, she would appreciate more information on the consumption of alcohol and cigarettes as that seemed to be on the increase, especially among young people.

51. Mr. MAEL (Vanuatu) said that the health services structure was highly satisfactory and accessible to the population. Specialized doctors tended to work in hospitals whereas, in rural areas, nurses were often trained in general medicine. It was true that sick persons could choose between traditional medicine and Western-style medicine. Bearing in mind the customs and traditions, it was natural for people to turn to a healer. But they were also free to go to a hospital. The two types of medicine were not incompatible.

52. It was a fact that in spite of information campaigns and warnings, smoking was on the increase among young people. However, the Government could not take radical measures to reduce or ban the sale of cigarettes as that was a source of revenue for the Government through the taxes levied. As to alcohol consumption, that largely concerned kava, the national drink, which was drunk in a sort of ritual at sundown and which created a sense of tranquillity and then sleepiness. But generally speaking, there was no abuse or violence linked to the consumption of kava.

53. Mrs. KARP, returning to the question of the accessibility of health services, asked how a person living on a remote island who fell seriously ill was looked after.

54. Mr. MAEL (Vanuatu) said that the health centres were equipped with telephones, radios, cars and boats. In the case of an emergency, a sick person could be taken to hospital by boat or by plane, at the expense of the State because it was a recognized fact that transport costs in Vanuatu were extremely high.

The meeting rose at 1 p.m.